

REMARKS

In the Final Office Action,¹ the Examiner rejected claims 1-7, 9-12, 14-16, 18-21, 23-25 and 27² under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,103,663 to Inoue et al. ("Inoue") in view of U.S. Patent No. 7,110,984 to Spagna et al. ("Spagna").

By this Amendment, Applicants amend claims 1-3, 5, 6, 9-12, 14, 15, 18-21, 23, 24, and 27. Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25, and 27 are currently pending.

Applicants respectfully traverse the rejection of claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25 and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Inoue* in view of *Spagna*.

Independent claim 1 recites an information processing apparatus comprising a "means for transmitting a restoring request to restore the usage right identifying information using backup data. . . and means for transmitting, to the license server, a usage-right request including the reissued usage-right identifying information." *Inoue*

¹The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² Claim 4 was cancelled by the response filed on April 4, 2008.

and Spagna, alone or in combination, fail to teach or suggest the claimed means for transmitting.

Contrary to the Final Office Action, lines 55-61 of column 5 of *Inoue* do not simultaneously teach the claimed "means for transmitting a restoring request" and "means for transmitting, to the license server, a usage-right request including the reissued usage-right identifying information," as recited in claim 1. The cited section of *Inoue* merely discloses a license issue request. The license issue request of *Inoue* does not equate to the claimed means for "restoring request," because the license issue request of *Inoue* does not "*restore the usage-right identifying information using backup data,*" as recited in claim 1.

Moreover, the cited section only teaches a single type of request, the license issue request. Col. 5, lines 55-62. Accordingly, even if the license issue request of *Inoue* were to teach the claimed "restoring request," a finding to which Applicants do not agree, the license issue request of *Inoue* does not simultaneously teach "means for transmitting, to the license server, a usage-right request based on the reissued usage-right identifying information," as the reissued usage-right identifying information is included in "a response to the restoring request."

Contrary to the Final Office Action, the claimed "means for transmitting a restoring request" is also not taught by *Inoue*'s request to distribute content received by the content distribution server. As disclosed by *Inoue*, the content distribution request is a command for transmitting a restoring request "to request the content distribution. . . ."

Col. 8, lines 24-30. *Inoue* thus fails to teach "means for transmitting a restoring request to restore the usage-right identifying information using backup data," as recited in claim 1.

Spagna does not cure the deficiencies of *Inoue*. Specifically, *Spagna* does not teach or suggest, nor does the Final Office Action rely on *Spagna* to teach or suggest, "means for transmitting a restoring request to restore the usage right identifying information using backup data. . . and means for transmitting, to the license server, a usage-right request including the reissued usage-right identifying information," as recited in claim 1.

Accordingly, *Inoue* and *Spagna*, alone or in combination, fail to teach or suggest an information processing apparatus comprising a "means for transmitting a restoring request to restore the usage right identifying information using backup data. . . and means for transmitting, to the license server, a usage-right request including the reissued usage-right identifying information; and means for transmitting, to the license server, a usage-right request based on the reissued usage-right identifying information," as recited in claim 1. Therefore, *Inoue* and *Spagna* fail to render claim 1 obvious.

Independent claims 6, 10, 15, 19, and 24, while of different scope than claim 1, are allowable over *Inoue* and *Spagna* for at least the same reasons as claim 1. Applicants hereby respectfully request the withdrawal of independent claims 6, 10, 15, 19, and 24 under 35 U.S.C. § 103(a) and the timely allowance of the claims.

Dependent claims 2-3, 5, 7, 9, 11, 12, 14, 16, 18, 20, 21, 23, 25, and 27 are also allowable for at least the reasons set forth above in connection with independent claims 1, 6, 10, 15, 19 and 24. Accordingly, Applicants also respectfully request withdrawal of the rejection of dependent claims 2-3, 5, 7, 9, 11-12, 14, 16, 18, 20-21, 23, 25, and 27 under 35 U.S.C. § 103(a) and the timely allowance of these claims.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25, and 27 in condition for allowance.

Furthermore, Applicants respectfully point out that the Final Office Action presented some new arguments as to the application of the art. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Attorney Docket No. 09812.0359-00
Application No. 10/624,019

If there is any fee due in connection with the filing of this Reply, please charge
the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

Dated: September 16, 2008

By: 
[Arthur R. Smith Reg. No. 56,871]
Michael R. Kelly
Reg. No. 33,921